

# PLANNING COMMISSION MINUTES

June 20, 2001

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:15 p.m. in Meeting Room "A" at the Beaverton Public Library at 12375 SW Fifth Street.

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Russell Davis, Eric Johansen and Dan Maks. Planning Commissioner Brian Lynott was excused.

Principal Planner Hal Bergsma, City Engineer Terry Waldele, Senior Planner John Osterberg, Senior Planner Barbara Fryer, Associate Planner Tyler Ryerson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting, observing the sound equipment in use this evening only serves the purpose of recording the meeting. Emphasizing that this equipment is not set up for amplification, he pointed out that it would be necessary for those who testify to speak loudly.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## MISCELLANEOUS BUSINESS:

Observing that this meeting is slightly different this evening, Commissioner Maks mentioned that due to recent problems at City Hall, the meetings would be temporarily relocated to the Library, and that Russell Davis has recently been appointed to fill a vacancy on the Commission. He expressed his opinion that the greatest difference this evening is due to the fact that the Planning Commission's senior member, Chuck Heckman, having stepped down May 31, 2001, is unable to fulfill his promise to attend a future meeting. Expressing his deep regret at the loss of Charles Heckman, who passed away on Sunday, June 17, 2001, he stated that he would always refer to him as Commissioner Heckman. Emphasizing that he feels blessed for having the opportunity of serving with Commissioner

1 Heckman on the Planning Commission for over 7-1/2 years, he stated that  
2 Commissioner Heckman was his mentor, with regard to procedure and process, a  
3 teacher of many things and the first to kick him when wandered off track. He  
4 was the first to say, "Young man, suit and tie are mandatory. Do not dress  
5 casually. Our decisions are not casual in nature. We are dealing with people's  
6 lives and property. Show and be respectful."  
7

8 Commissioner Maks mentioned that he had seen Commissioner Heckman on  
9 Saturday, adding that he was the same Commissioner Heckman, complete with a  
10 yellow pad next to his hospital bed, with notes written down listing things to do.  
11 Observing that he had not seen a highlighter pen, he noted that they might not  
12 allow highlighter pens in the hospital. He mentioned that Commissioner  
13 Heckman is the one who taught his fellow Commissioners not to read the Staff  
14 Reports once, but twice, and three times, if the material is difficult, and to  
15 highlight where appropriate. Noting that he figures that Commissioner Heckman  
16 decided on Sunday to go find and plan in heaven, he emphasized that this city has  
17 lost an irreplaceable Planning Commissioner, and a tremendous volunteer.  
18 Besides nearly a decade on the Planning Commission, Commissioner Heckman  
19 served for years on the Murrayhill Architectural Review Committee, Historical  
20 Resource Review Committee and as a Commissioner in Yamhill County. He  
21 mentioned that Commissioner Heckman also volunteered at both the Tigard  
22 Library and Beaverton Library teaching senior citizens to use computers. Noting  
23 that the City of Beaverton has lost a great citizen and a great man, he mentioned  
24 that Commissioner Heckman sacrificed his personal time and energy, and that he  
25 led the charge. He emphasized that Commissioner Heckman touched every single  
26 person he had contact with, not just here in this capacity, but in daily life. He  
27 urged the Commissioners to emulate Mr. Heckman, for not only would he expect  
28 it from us, Chuck Heckman would demand it of us, in his own fashion, and the  
29 community would be enriched, just as we have been enriched from knowing  
30 Commissioner Heckman.  
31

32 Expressing his appreciation to Commissioner Maks for his comments, Chairman  
33 Voytilla agreed that Commissioner Heckman would be truly missed.  
34

### 35 **STAFF COMMUNICATION:**

36  
37 On question, staff indicated that they had no communications at this time.  
38

39 Chairman Voytilla informed those in attendance that in order to use the restroom  
40 facilities, it would be necessary to obtain the key from the Information Desk until  
41 9:00 p.m., adding that after 9:00 p.m., the key would be left in the door.  
42

### 43 **OLD BUSINESS:**

44  
45 Chairman Voytilla opened the Public Hearing and read the format for Public  
46 Hearings. There were no disqualifications of the Planning Commission members.

1 No one in the audience challenged the right of any Commissioner to hear any of  
2 the agenda items, to participate in the hearing or requested that the hearing be  
3 postponed to a later date. He asked if there were any ex parte contact, conflict of  
4 interest or disqualifications in any of the hearings on the agenda. There was no  
5 response.

6  
7 **CONTINUANCES:**

8  
9 **A. CUP 1000-0030 – LANPHERE AUTO SALES AND SERVICE**

10 (Continued from May 30, 2001)

11 This request for Planning Commission approval of a Conditional Use Permit  
12 (CUP) has been submitted to allow a major automotive service use at this  
13 location through the remodel and expansion of an existing building for the  
14 development of an auto sales and service facility. The proposal would  
15 increase the building by approximately 30,441 square feet and includes the  
16 addition of a parking lot and associated landscaping. The development  
17 proposal is located at 4000 SW Hocken Avenue and along the north side of  
18 the proposed Millikan Way extension; Washington County Assessor's Map  
19 1S1-9DC, Tax Lots 900, 1000, 1100 and 1200. The site is zoned General  
20 Commercial (GC) and is approximately 7.1 acres in size.

21  
22 On question, Senior Planner John Osterberg informed Chairman Voytilla that  
23 no film of the site is available.

24  
25 All Planning Commissioners indicated that they had visited and were familiar  
26 with the development site and that they had not had any contact with any  
27 individuals regarding this application.

28  
29 Mr. Osterberg presented the Staff Report and described this request to locate  
30 major automotive services at the site as part of the applicant's auto sales and  
31 service facility. Observing that this facility would provide for auto sales,  
32 including a major and minor auto service component, he mentioned that this  
33 would involve an open air/open lot sales and storage facility, which is typical  
34 in Beaverton, adding that he expects that there would be more in the future.  
35 Noting that major and minor automotive services have different definitions, he  
36 explained that major automotive service is primarily automobile repair,  
37 including major engine work, engine overhaul and body and paint work. He  
38 mentioned that staff and the applicant have worked extensively to identify and  
39 resolve any issues, adding that the only recommended Conditions of Approval  
40 involve issues of access and improvements to Cedar Hills Boulevard. He  
41 mentioned that the applicant is providing greater than the required amount of  
42 parking spaces, emphasizing that this is a proper location and zone for this  
43 use, encouraged by the Comprehensive Plan. He pointed out that City  
44 Transportation Manager Randy Wooley is available to address any  
45 transportation issues, particularly in regard to the Conditions of Approval. He  
46 expressed his opinion that Condition of Approval No. 6 is not really necessary

1 and could be deleted, at the recommendation of staff. Concluding he  
2 recommended approval, with certain Conditions of Approval, and offered to  
3 respond to any questions or comments.  
4

5 Commissioner Johansen referred to the access to Cedar Hills Boulevard,  
6 specifically whether the Condition of Approval provides for right-in/right-out  
7 only regardless of any changes to Cedar Hills Boulevard.  
8

9 Mr. Osterberg advised Commissioner Johansen that staff is recommending  
10 that the full access can occur until such time that the Millikan Extension is  
11 provided. Commissioner Johansen clarified that if some point in the future,  
12 Cedar Hills Boulevard is expanded, access should be restored at that time.  
13

14 Mr. Osterberg stated that while he believes that Commissioner Johansen's  
15 observation is correct, he would like to receive verification from Mr. Wooley.  
16

17 Mr. Wooley verified that this would involve a right-in/right-out situation,  
18 adding that the City could authorize changes at some future point.  
19

20 Commissioner Maks referred to page 21 of the Staff Report, specifically  
21 whether the applicant is planning on storing on site everything that they are  
22 planning on selling.  
23

24 Mr. Osterberg advised Commissioner Maks that whether the applicant might  
25 store off-site other vehicles that might be delivered to the site is not described  
26 specifically in this Staff Report.  
27

28 Commissioner Maks pointed out that this situation could have an effect on the  
29 traffic. He referred to page 21, specifically the statement, as follows: "staff  
30 do not require any widening of the existing streets but instead require, in  
31 Condition #5, an LID waiver of remonstrance for the formation of a local  
32 improvement district for the future widening of Cedar Hills Boulevard." He  
33 questioned whether this has been done.  
34

35 Mr. Osterberg informed Commissioner Maks that he is not certain that this  
36 has actually been done on Cedar Hills Boulevard.  
37

38 Observing that he could not verify that this has been done, Mr. Wooley stated  
39 that because this is a fairly routine procedure, he suspects that it has been done  
40 on Cedar Hills Boulevard.  
41

42 Commissioner Maks asked if the applicant is responsible for payment of the  
43 Traffic Improvement Fee (TIF).  
44

45 Mr. Wooley assured Commissioner Maks that the applicant is paying a TIF.  
46

1 Commissioner Maks referred to page 26 with regard to the Conditions of  
2 Approval, specifically Condition of Approval No. 2.E, which concerns  
3 “conditions beyond the control of the applicant (such as weather)”. Observing  
4 that he understands the rationale, and considers it appropriate, he expressed  
5 his opinion that the phrase “such as weather” should be deleted.

6  
7 Commissioner Bliss referred to page 24 of the Staff Report, specifically item  
8 e., regarding Natural Resources and Historic Resources, and questioned  
9 whether it has been validated that the two small areas of delineated wetlands  
10 on the site have been determined to be non-jurisdictional with no mitigation  
11 required.

12  
13 Mr. Osterberg informed Commissioner Bliss that this documentation from  
14 USA has been attached to the applicant’s letter, adding that no mitigated  
15 action would be required.

16  
17 Commissioner Bliss mentioned that he had seen no reference to the Corps of  
18 Engineers, adding that it has been his experience that they do their own thing  
19 irrespective of actions by USA or DSL.

20  
21 Mr. Osterberg indicated that the applicant should provide further information  
22 regarding the wetland issue.

23  
24 Observing that this condition seems like common sense to him, Commissioner  
25 Barnard requested a detailed explanation for the recommended removal of  
26 Condition of Approval No. 6. Noting that he wants to ensure that these  
27 actions occur, he questioned whether there are any negative aspects to  
28 retaining this Condition of Approval.

29  
30 Mr. Osterberg explained that the City of Beaverton could be certain that these  
31 improvements are built to City standard through the required Site  
32 Development Permit. He suggested that it is also feasible to make a finding  
33 for design review approval to ensure that the technical standards are met.

34  
35 Mr. Wooley commented that several design-related Conditions of Approval  
36 had been eliminated because they did not relate directly to the Conditional  
37 Use Permit, adding that these would be part of the Facilities Review.

38  
39 Chairman Voytilla referred to page 24 of the Staff Report, specifically  
40 regarding transit proximity.

41  
42 Mr. Osterberg informed Chairman Voytilla that he did not feel comfortable  
43 making an assumption about what is walking distance to a light rail station,  
44 observing that while there are varying views regarding this issue, in his  
45 opinion, this site is within walking distance.

46

1                   **APPLICANT:**

2

3                   **TIM RAMIS**, an attorney representing *Lamphere Enterprises*, expressed his

4 regret at the great loss of Commissioner Heckman and mentioned that many

5 times Commissioner Heckman was more well read than he was with regard to

6 applications. He mentioned that the applicant agrees with the Staff Report

7 and concurs with the proposed Conditions of Approval, including staff

8 recommendation for the elimination of Condition of Approval No. 6. He

9 described the lengthy process involved with this application, including

10 numerous meetings with staff and the neighborhood association, adding that

11 there had been a great amount of effort by the applicant. He extended Bob

12 Lamphere Jr.'s apologies for not being able to attend tonight, and expressed

13 appreciation for providing an alternative location for this hearing. Observing

14 that the applicant is aware that the Planning Commissioners have thoroughly

15 reviewed all available information, he stated that there would be no long

16 presentation at this time. Emphasizing that the specific issue involves whether

17 or not a major auto service facility is appropriate for a conditional use at this

18 location, he mentioned that the proposed development is located in the proper

19 zone, the site location is compatible for this type of use, and the location of

20 the use on the site itself meets applicable standards for a Conditional Use

21 Permit. Stating that the applicant has satisfied all approval requirements, he

22 pointed out that USA would not issue their documentation unless they have

23 heard from DSL and the Corps. He mentioned Condition of Approval No. 6,

24 emphasizing that these requirements would be adequately imposed later in the

25 process. He pointed out that the applicant is customer-oriented, adding that he

26 believes that there would be sufficient storage to allow for most products to be

27 available on site and that it would be unusual to deliver a car from other site.

28 Concluding, he offered to respond to any questions or comments.

29

30 Chairman Voytilla requested an explanation of the process for the delivery of

31 cars to the site.

32

33                   **TIM BRUNNER**, Project Architect with *Access Design Group*, observed that

34 while the delivery of cars to a site is always a concern with dealerships,

35 particularly in Beaverton, the applicant has provided for a special design for

36 this purpose, including selected curb cuts, adding that the operation could be

37 completed completely on the premises.

38

39 Referring to a Condition of Approval relating to joint access, Mr. Ramis stated

40 that the easement could extend up to 100 feet in the site, specifically for this

41 purpose.

42

43 Chairman Voytilla requested clarification of what times these deliveries

44 would occur.

1           **BOB STALP**, representing *Lanphere Enterprises*, assured Chairman Voytilla  
2           that the delivery of vehicles would occur during daylight hours, usually  
3           Monday through Friday, but occasionally on Saturday.

4  
5           On question, Mr. Bruner advised Chairman Maks that the compatibility design  
6           is enclosed.

7  
8           Commissioner Maks mentioned that his question to staff with regard to the  
9           LID has not been addressed.

10  
11          Mr. Ramis mentioned that the waiver has been signed, adding that the  
12          applicant is still entitled to one more hearing to determine their fair share.

13  
14          Chairman Voytilla questioned whether the development would include a  
15          paging system for staff on the site.

16  
17          Mr. Bruner advised Chairman Voytilla that employees would use two-way  
18          radios, with no loudspeakers.

19  
20          **PUBLIC TESTIMONY:**

21  
22          On question, no member of the public appeared to testify regarding this  
23          application.

24  
25          On question, staff had no further comments and offered to respond to any final  
26          questions.

27  
28          On question, Assistant City Attorney Ted Naemura had no comments or  
29          questions.

30  
31          The Public Hearing was closed.

32  
33          Observing that the application meets criteria, Commissioner Johansen stated  
34          that while he has some concern with access and it is necessary to be cautious,  
35          he is in support of the application.

36  
37          Commissioner Barnard expressed his support of the application and  
38          acceptance of an amendment to eliminate Condition of Approval No. 6.

39  
40          Noting that the application meets criteria, Chairman Voytilla expressed his  
41          support, emphasizing that conditional uses do run with the land and the  
42          situation could change in the future. He suggested that on-site deliveries of  
43          vehicles be restricted to weekday business hours.

44  
45          Commissioner Maks expressed his support of the application, adding that this  
46          use is identified in the Comprehensive Plan as a proper use for this area.

1 Observing that the application meets criteria for a Conditional Use Permit, he  
2 suggested an additional Condition of Approval or recommendation to the  
3 Board of Design Review prohibiting the use of an exterior paging system on  
4 the site.

5  
6 Commissioner Bliss expressed his support of the application, observing that  
7 the layout facilitates easy ingress and egress, as well as the handling and  
8 unloading of transports. He commented that this development would be an  
9 asset, preferable to derelict cars and vacant lots.

10  
11 Commissioner Davis expressed concern with the traffic situation on Cedar  
12 Hills Boulevard, adding that his concerns had been addressed. He expressed  
13 his support of the project, and complimented the design team for what he  
14 described as a good project for the City of Beaverton.

15  
16 Chairman Voytilla expressed his opinion that the prohibition of an external  
17 paging system should be conditioned, rather than simply a recommendation to  
18 the Board of Design Review.

19  
20 Commissioner Maks expressed his agreement that the prohibition of an  
21 external paging system should be included in the Conditions of Approval.

22  
23 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a  
24 motion that CUP 2000-0030 – Lanphere Auto Sales and Service Conditional  
25 Use Permit be approved, based upon the testimony, reports and exhibits  
26 presented during the Public Hearing on the matter and upon the background  
27 facts, findings and conclusions found in the Staff Report dated June 13, 2001,  
28 with the following amendments: 1) page 20, Facts and Findings... "...and by  
29 adoption Conditions #1 through #6~~5~~..."; 2) page 26, 2.E. ... "...(~~such as~~  
30 ~~weather~~); and 3) page 28, strike Condition of Approval No. 6; and based  
31 upon this Public Hearing, and including additional Conditions of Approval, as  
32 follows:

- 33  
34 6. The applicant is prohibited from using any type of outdoor PA  
35 System; and  
36  
37 7. The delivery of vehicles shall be done on site.

38  
39 Motion **CARRIED**, unanimously.

40  
41 8:12 p.m. – Commissioner Johansen left.

42  
43 8:12 p.m. to 8:25 p.m. – break.

44  
45 **B. MERLO STATION AREA PLAN AMENDMENTS**

46 *(Continued from June 6, 2001)*



**CPA 2001-0011** consists of a proposal to change the designation on the Comprehensive Plan Land Use Map embodied within CPA 99-00025 from Station Community to Industrial on the portion of tax lot 1S108BA00100 that was formerly known as tax lot 1S105CC0046.

**CPA 2001-0012** consists of a Comprehensive Plan Text Amendment to add the Merlo Station Area Community Plan to Volume V of the Comprehensive Plan as embodied within CPA99-00025, adopt a land use map depicting three sub areas, and recommend changes to the City's and County's Transportation Systems Plans.

**TA 2001-0006** consists of amendments to the City's Development Code in Chapter 20, section 20 to:

1. Add a new Station Community-Employment zoning district,
2. Add applicable Site Development Requirements,
3. Modify or add applicable Supplementary Regulations, including addition of a Major Pedestrian Route Map for the Merlo Station Area,
4. Potentially add information related to Natural Resource Protection and Enhancement, and
5. Potentially add information related to the Expansion and Enlargement of Nonconforming Uses with respect to the Merlo Station Area.

**RZ 2001-0013** consists of a proposal to change the zoning on thirteen properties (see below) from Light Industrial to the new zoning district proposed under TA 2001-0006 of Station-Community Employment. The thirteen properties are referenced in the following list:

1S107AA00200	1S107AA00700	1S108BB00500
1S107AA00300	1S107AA00800	1S108BB00700
1S107AA00400	1S108BB00100	1S108BB00800
1S107AA00500	1S108BB00400	1S1080002500
1S107AA00600		

Chairman Voytilla pointed out that he had not been aware that this Public Hearing was scheduled for this date.

Mr. Naemura observed that since Commissioner Davis is new to the Planning Commission and has had no opportunity to review the previous record regarding these applications, he would need to abstain from participating in this issue.

Commissioner Davis temporarily left the dais for the duration of these applications.

1 Senior Planner Barbara Fryer referred to the original Public Hearing on these  
2 applications, which was held on June 6, 2001, and the Staff Report, dated May  
3 7, 2001. She described the Supplemental Staff Report; dated May 30, 2001,  
4 regarding transportation issues, issues related to the new zoning district which  
5 has been identified and a Work Session that occurred after the initial Staff  
6 Report had been published. She mentioned that the draft Comprehensive  
7 Plan Text and the draft Development Code Text had changes based upon the  
8 comments of the Commissioners from the Work Session, adding that these  
9 sections are highlighted within this Supplemental Staff Report of May 30,  
10 2001.

11  
12 Ms. Fryer pointed out that the last session had included a question regarding  
13 the Comprehensive Plan, adding that staff has proposed a change to  
14 potentially resolve this issue and that this is included in the draft "Merlo  
15 Station Community – Community Plan", dated May 20, 2001, which has been  
16 distributed this evening. She referred to a change on page 5 of this document,  
17 pointing out that based upon a comment by Commissioner Maks, they had  
18 added Policy b) to Community Plan Goal 2, providing for cooperation with  
19 Washington County, Tualatin Hills Park and Recreation District, and Clean  
20 Water Services when designing 170<sup>th</sup> Avenue improvements to allow for  
21 appropriate fish and wildlife passage at Beaverton Creek. She suggested the  
22 possibility of adding a statement such as this or approving the draft  
23 Community Plan, as distributed. She pointed out that staff recommends that  
24 this statement not be added because the City of Beaverton is not the  
25 responsible party with regard to 170<sup>th</sup> Avenue, which is Washington County  
26 facility and not funded by the City.

27  
28 Ms. Fryer referred to page LU-2, pointing out that because Chairman Voytilla  
29 had mentioned banquets, conferences and meetings, particularly in  
30 relationship to hotels and extended-stay motels, staff had included use  
31 restriction g, providing for only as an accessory use to a hotel or an extended-  
32 stay motel. She questioned whether this use should be extended that privilege  
33 to public service, utility uses or offices. She explained that Ed Murphy from  
34 *Ed Murphy and Associates* would address the issue of hardware stores of  
35 5,000 to 10,000 square feet, and described various other changes and  
36 corrections to the Comprehensive Plan.

37  
38 **ED MURPHY**, representing *Ed Murphy and Associates*, described  
39 information he had obtained regarding the sizes of hardware stores, expressing  
40 his opinion that based on this information, 10,000 square feet is an appropriate  
41 size for this use.

42  
43 Commissioner Maks expressed his appreciation to Ms. Fryer for her efforts,  
44 and to Mr. Murphy for his research regarding the sizes of hardware stores.  
45

1 Chairman Voytilla questioned the time line for the 170<sup>th</sup> Avenue  
2 improvements.

3  
4 Ms. Fryer advised Chairman Voytilla that she does not believe that the 170<sup>th</sup>  
5 Avenue improvements have been funded yet.

6  
7 Chairman Voytilla requested verification that staff recommends against  
8 including the statement providing for cooperation with Washington County,  
9 Tualatin Hills Park and Recreation District, and Clean Water Services when  
10 designing 170<sup>th</sup> Avenue improvements to allow for appropriate fish and  
11 wildlife passage at Beaverton Creek, specifically questioning what the harm  
12 would be in including this statement.

13  
14 Observing that this would not necessarily create any problems, Ms. Fryer  
15 advised Chairman Voytilla that it would be more appropriate to allow staff to  
16 rephrase this statement so as not to imply that the City of Beaverton would not  
17 be responsible for designing the road.

18  
19 Commissioner Bliss pointed out that while this may be the implication and  
20 while 170<sup>th</sup> Avenue is not the heart of the City of Beaverton, it is, however,  
21 inclusive within the boundaries, expressing his opinion that it behooves the  
22 City to be part of that design.

23  
24 Observing that he agrees with Commissioner Bliss and that the City of  
25 Beaverton should be a participant as a stakeholder, Commissioner Maks  
26 suggested the phrase "work cooperatively, if possible, with Washington  
27 County, Tualatin Hills Park and Recreation District, and Clean Water Services  
28 when designing 170<sup>th</sup> Avenue improvements to allow for appropriate fish and  
29 wildlife passage at Beaverton Creek."

30  
31 Commissioner Barnard expressed his opinion that this paragraph does not  
32 necessarily request cooperation, adding that it provides that fish and wildlife  
33 passage be addressed.

34  
35 Principal Planner Hal Bergsma explained that while the funds for the 170<sup>th</sup>  
36 Avenue improvements are not currently available, it is anticipated that this  
37 would occur sometime around the year 2010. He pointed out that the City of  
38 Beaverton could potentially add some input to the design issues regarding this  
39 project.

40  
41 Chairman Voytilla requested clarification of the difference between meeting  
42 rooms and conference facilities.

43  
44 Observing that meeting rooms have not actually been defined, Ms. Fryer  
45 suggested that this term be eliminated and that the term banquet and  
46 conference facilities be retained.

1 Commissioner Maks questioned whether parking ratios have been established  
2 for conference facilities and meeting halls.

3  
4 Ms. Fryer advised Commissioner Maks that this would be included under  
5 places of assembly, auditorium, meeting facilities, and social or fraternal  
6 organizations

7  
8 Commissioner Maks suggested the possibility of developing a definition of  
9 conference facilities, expressing his opinion that certain issues would not be  
10 resolved this evening and that the Public Hearing should be continued.

11  
12 Ms. Fryer recommended that the Public Hearing be continued to June 27,  
13 2001.

14  
15 Mr. Bergsma observed that because Independence Day is in two weeks, this  
16 Public Hearing could not be continued to that date.

17  
18 Ms. Fryer emphasized that the Transportation Growth Management (TGM)  
19 Grant needs to be closed out prior to June 30, 2001.

20  
21 Mr. Bergsma questioned the possibility of resolving the issues and approving  
22 the applications this evening.

23  
24 Commissioner Maks informed Mr. Bergsma that while he would feel  
25 comfortable with the adoption of the information that had been provided on  
26 May 30, 2001, with the elimination of the term meeting rooms, it is necessary  
27 to provide direction for staff to create a definition of the term conference  
28 facilities.

29  
30 Mr. Barnard pointed out that he is not in support of the Community Plan,  
31 expressing his opinion that this is not the proper location. Noting that the  
32 term meeting rooms should be eliminated, he stated that he is nervous with  
33 several other issues that have been discussed. He expressed his agreement  
34 with Commissioner Maks, adding that he is comfortable with the adoption of  
35 the information that had been provided on May 30, 2001.

36  
37 Chairman Voytilla questioned whether there is any possibility of extending  
38 the TGM Grant deadline beyond June 30, 2001.

39  
40 Observing that the TGM Grant deadline had already been extended, Mr.  
41 Bergsma suggested that another extension could be possible.

42  
43 Ms. Fryer clarified that a percentage of these funds must be utilized by June  
44 30, 2001.

45

1 Commissioner Maks expressed concern with the possibility of losing this  
2 funding.

3  
4 Commissioner Barnard suggested the possibility of taking action on these  
5 applications and amending at a later time, if necessary.

6  
7 Commissioner Maks observed that this would involve a Measure 56 Notice.

8  
9 Chairman Voytilla suggested that this Public Hearing be continued to June 27,  
10 2001.

11  
12 Mr. Naemura referred to page 2 of the draft Merlo Station Community Plan,  
13 specifically reference to Volume II – Comprehensive Plan Background and  
14 Supporting Documents, which is part of the Comprehensive Plan, expressing  
15 concern that this provides what he referred to as a moving target. He  
16 questioned whether it is anticipated that plan amendments and zone changes  
17 would be affected by possible future developments.

18  
19 Ms. Fryer advised Mr. Naemura that this is a possibility, agreeing that this  
20 does provide a moving target and that it should be outdated, as time allows,  
21 although this might not occur until periodic review.

22  
23 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a  
24 motion to continue CPA 2001-0011 – Merlo Station Area Plan Amendments,  
25 to a date certain of June 27, 2001.

26  
27 Motion **CARRIED**, unanimously.

28  
29 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a  
30 motion to continue CPA 2001-0012 – Merlo Station Area Plan Amendments,  
31 to a date certain of June 27, 2001.

32  
33 Motion **CARRIED**, unanimously.

34  
35 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a  
36 motion to continue TA 2001-0006 – Merlo Station Area Plan Amendments, to  
37 a date certain of June 27, 2001.

38  
39 Motion **CARRIED**, unanimously.

40  
41 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a  
42 motion to continue RZ 2001-0013 – Merlo Station Area Plan Amendments, to  
43 a date certain of June 27, 2001.

44  
45 Motion **CARRIED**, unanimously.  
46

Commissioner Maks reminded those present that this Public Hearing would take place in Meeting Room "A" at the Beaverton Public Library at 12375 SW Fifth Street.

Chairman Voytilla requested that Commissioner Davis review any previous records regarding these applications prior to the continuance on June 27, 2001.

Commissioner Maks urged Commissioner Davis to attend the continuance, observing that a quorum is necessary to open the meeting but not to approve the applications.

**NEW BUSINESS:**

**PUBLIC HEARINGS:**

**A. OREGON EPISCOPAL SCHOOL MARSH ENHANCEMENT**

The following land use applications have been submitted for an enhancement project for the Oregon Episcopal School marsh. The proposed project will increase flood storage volume and wetland function while enhancing fish and wildlife habitat. The development proposal is located east of SW Nicol Road, south of Willowmere Drive and north of Vermont Street; Washington County Assessor's map 1S1-13, Tax Lots 300 and 400, and Washington County Assessor's Map 1S1-13DC, Tax Lot 4000. The site is zoned Urban Standard Density (R-7) and is approximately a total of 29.00 acres in size.

**1. CUP 2001-0011 – CONDITIONAL USE PERMIT**

This request for Planning Commission approval of a Conditional Use Permit (CUP) is for the proposed water conservation/flood control project in the Urban Standard Density (R-7) zoning district.

**2. TPP 2001-0002 – TREE PRESERVATION PLAN**

This request for Planning Commission approval of a Tree Preservation Plan (TPP) is for the proposed grading activity within the boundaries of a Significant Tree Grove.

Chairman Voytilla mentioned that he had visited the site and had no contact with anyone regarding these applications.

Commissioner Maks noted that he had visited and is familiar with the site which overlooks the property of a friend of his, adding that he has had no contact with anyone regarding these applications and that the proximity of his friend's home to this proposed development would not create any bias on his part.

Commissioner Davis stated that he had visited and is familiar with the site and has had no contact with anyone regarding these applications.

1 Commissioner Bliss observed that he had visited and is familiar with the site and  
2 has had no contact with anyone regarding these applications.

3  
4 Commissioner Barnard mentioned that he has visited the site and has had no  
5 contact with anyone regarding these applications.

6  
7 Associate Planner Tyler Ryerson observed that because he has been unable to  
8 retrieve the video after the fire in Development Services, no film is available of  
9 the site. He presented Staff Report and summarized the application for a  
10 conditional use permit, which would provide for a water conservation/flood  
11 control project under the Standard Density R-7 zoning district. He pointed out  
12 that this project would increase the flood storage volume and wetland function,  
13 while enhancing fish and wildlife habitat. He described the Tree Preservation  
14 Plan, which is associated with the Wetland Enhancement Project on the Oregon  
15 Episcopal School Marsh site. He mentioned that several correspondences have  
16 been received, including one from a resident whose property is located at the  
17 northeast corner of the site who has an issue with a previous project done by the  
18 City of Portland. He mentioned that he had visited the site with this individual  
19 and feels that this issue should be resolved soon. He pointed out that this  
20 individual also has concerns regarding two ash trees located near her home,  
21 adding that these trees are located on Washington County property. He described  
22 an additional issue with the access proposal for crossing the marsh site, adding  
23 that there could be better alternatives to this proposal. He mentioned that another  
24 resident had expressed concerns with the types of trees being planted near her  
25 home, adding that she is allergic to this type of tree, although the applicant is  
26 willing to address this issue. He described one Facilities Review Condition of  
27 Approval associated with the Tree Preservation Plan, specifically Condition A.3,  
28 adding that this needs to be amended, as follows: “A ~~chain-link fence~~  
29 ~~construction fence~~ **orangeski-type mesh fencing**, a minimum of six feet in  
30 height...”

31  
32 Commissioner Maks expressed his opinion that this particular Condition of  
33 Approval needs to be strengthened, adding that he needs some type of assurance  
34 that this fence would remain in place.

35  
36 Mr. Ryerson pointed out that the major concern regarding this fence involves the  
37 large area to be contained.

38  
39 Commissioner Maks observed that while he understands this concern and that this  
40 could be costly, the mesh fences are not effective.

41  
42 Mr. Ryerson mentioned a communication in support of the applications received  
43 from the *Friends of Fanno Creek*. Concluding, he recommended approval of both  
44 applications and offered to respond to any questions or comments.  
45

1 Commissioner Maks expressed his concern with any change to the hydrology of  
2 the waterways, and questioned whether staff is actually comfortable with this  
3 plan.

4  
5 Mr. Ryerson advised Commissioner Maks that the engineers appear to be  
6 comfortable with this plan.

7  
8 Commissioner Bliss pointed out that he encountered many issues of concern in  
9 reviewing the applicant's submittal, adding that there appears to be a lack of detail  
10 in addressing some of the criterion. He mentioned that his review of the  
11 Backwater Analysis reveals that stream velocities have been magnified by more  
12 than two and a half times, to the point of a velocity in an excess of ten feet per  
13 second, which is highly erosive in a natural stream bed.

14  
15 Mr. Ryerson questioned whether this involves a certain area that is being  
16 enhanced or the entire area.

17  
18 Commissioner Bliss informed Mr. Ryerson that this indicates existing conditions  
19 and project completion conditions, observing that while it is not in the area where  
20 the work is actually taking place, the stream corridor is being impacted by the  
21 portions of the stream that are being improved or modified. He discussed  
22 problems relating to erosion, observing that construction is prohibited in the  
23 floodway and that structures are being placed within the streambed, which is, in  
24 his opinion, located within the floodway. He pointed out that some of the  
25 statements regarding this issue appear to be contradictory and requested  
26 clarification.

27  
28 Mr. Ryerson noted that the applicant should be able to address this issue.

29  
30 Commissioner Bliss emphasized that the greatest issue regarding this application  
31 relates to erosion, noting that enhancement means an improvement and that this  
32 project does not serve the purpose for which it is intended. He stated that the  
33 analysis of this application is not complete enough to provide a comprehensive  
34 understanding of the stream flows through the area, in particular as it relates to the  
35 higher velocities.

36  
37 Mr. Ryerson expressed his appreciation of Commissioner Bliss' comments,  
38 noting that he would like the applicant to address these issues.

39  
40 **APPLICANT:**

41  
42 **MARY DORMAN** introduced herself as a planning consultant representing the  
43 applicant and pointed out that she had prepared the application narratives. She  
44 provided an illustration of the outline of the project site, described the Watershed  
45 Management Plan prepared for Fanno Creek and discussed benefits that would  
46 result from this project, including habitat enhancement and expansion of the



1 forested area. She mentioned that the area includes a significant tree grove,  
2 adding that USA had focused heavily on identifying areas for overflow and  
3 habitat enhancement in the lower valley portions of the site. She pointed out that  
4 efforts had been made to avoid the existing high-quality areas, noting that in  
5 addition to the Washington County Land Use Permit, the applicant had obtained  
6 three separate City of Beaverton Land Use Permits. Observing that the area is all  
7 heavily regulated, she explained that it involves a great deal of floodplain and  
8 wetland. Concluding, she emphasized that the applicant is dealing extensively  
9 with DSL and that many stakeholders are involved, and offered to respond to any  
10 questions or comments.

11  
12 **DOUG GATES** representing Clean Water Services (formerly Unified Sewerage  
13 Agency), pointed out that this application involves a 100-year event. He  
14 mentioned that the velocities are not a concern to the consultant, noting that the  
15 high velocities are to the northeast. He emphasized that different options to the  
16 design proposals are available, including methods for dissipating energy before  
17 those velocities are reached.

18  
19 Mr. Bliss complimented Ms. Dorman for her plan and mentioned that while he  
20 understands Mr. Gates' comments, hydraulics is his background. He emphasized  
21 the necessity of providing a soil analysis, including the determined resistance to  
22 erosion. He observed that his experience in this area would not allow him to  
23 accept this proposal without proper documentation.

24  
25 Mr. Gates described this proposal as a glorified grading project, adding that the  
26 structure has only been proposed in the stream for the purpose of stability.

27  
28 Commissioner Bliss informed Mr. Gates that he defines construction by the code,  
29 adding that the proposal indicates that construction would occur.

30  
31 Mr. Gates clarified that the applicant is proposing grading and bank stabilization,  
32 emphasizing that there would be no actual building structure.

33  
34 Commissioner Bliss pointed out that the applicant is proposing to modify the  
35 floodway in a manner that increases existing velocity, adding that he considers  
36 this action to be erosive. He expressed his opinion that the applicant is not  
37 meeting the Comprehensive Plan criteria, suggesting that it might be necessary to  
38 return to the drawing board.

39  
40 Mr. Gates requested that Commissioner Bliss specify which criteria are not being  
41 adequately addressed.

42  
43 Commissioner Bliss listed the criteria that is not being properly addressed, as  
44 follows: 1) Criteria 2, specifically natural resource objectives; 7.4.1.e,  
45 specifically the minimization of potential water pollution, flood damage and other  
46 hazards for natural resource protection; and 2) 7.4.2., specifically natural

1 resource policy f, alteration and improvement to significant natural resource areas  
2 may be permitted so long as potential losses or mitigated and best management  
3 practices are employed to minimize permanent damage. He clarified that erosion  
4 consists of damage to the bank and stream that can result in damage to the habitat.

5  
6 Mr. Gates proposed that erosion is natural and provides for a stable stream,  
7 adding that it provides the required balanced sediment.

8  
9 Agreeing with Mr. Gates' statement that minimized erosion does occur naturally,  
10 Commissioner Bliss expressed his opinion that this proposal is not natural, but  
11 man-made and would create significant impacts. He pointed out that in the areas  
12 of slower velocity, this sediment would settle out and create numerous problems.  
13 He described a natural screening as the optimum desirable screening, noting that  
14 anything greater is detrimental to the area.

15  
16 Commissioner Maks observed that this is not his area of expertise, and questioned  
17 whether an analysis of the 25-year flood occurrence is available.

18  
19 Mr. Gates informed Commissioner Maks that this analysis had been submitted,  
20 although it is not contained within the applicant's packet.

21  
22 Ms. Dorman noted that the applicant had not actually been instructed to submit  
23 this document and assured Commissioner Maks that the information is available.

24  
25 Commissioner Maks questioned whether a two-year event is actually a possibility.

26  
27 Observing that Commissioner Bliss could provide a more detailed explanation,  
28 Mr. Gates pointed out that in a balanced stream system, flood events dissipate out  
29 on the flood plain, typically every 1.2 to 1.5 years. Expressing his opinion that  
30 natural is not necessarily a good thing, he emphasized that the primary goal is  
31 connectivity, flood plain functionality and restoring the site to its historical state.

32  
33 Commissioner Maks pointed out that while he fully supports the preservation and  
34 enhancement of wetlands and habitat, he received no support from any of the  
35 responsible agencies when nine bags of cement were deposited in one of the  
36 wetlands.

37  
38 Observing that he had not been prepared for these types of questions, Mr. Gates  
39 mentioned that erosion is not as much of a concern as disconnection of stream  
40 from the floodplain, which would destroy wetland biology quickly.

41  
42 Commissioner Maks emphasized that he wants to make certain that actions are  
43 not taken that destroy any of these resources.

44

1 Mr. Gates pointed out that this would most likely occur if the stream remains in  
2 its current state, adding that attempts are being made to improve the functionality  
3 of the floodplain  
4

5 Referring to the size of the trees and included in the proposal, Commissioner  
6 Maks pointed out that there had been numerous complaints from citizens when  
7 Tualatin Hills Park and Recreation District (THPRD) removed large trees and  
8 replaced them with small trees.  
9

10 Ms. Dorman advised Commissioner Maks that the proposal provides for the  
11 removal of 22 trees.  
12

13 Mr. Gates pointed out that the trees have been proposed for removal primarily for  
14 access purposes, although the applicant is considering options to reduce the  
15 number of trees scheduled for removal.  
16

17 Commissioner Maks questioned the feasibility of imposing a Condition of  
18 Approval providing for the addition of six 15-foot trees.  
19

20 Mr. Gates mentioned that professional landscapers had prepared the landscape  
21 plan, adding that while he understands Commissioner Maks' concerns, the  
22 applicant is attempting to create as little disruption as possible in this area.  
23

24 Commissioner Bliss requested a definition of the term "coyer log".  
25

26 Mr. Gates explained that coyer fabric is a fabric utilized for stabilization purposes,  
27 adding that he presumes that a coyer log is a rolled-up portion of this fabric.  
28

29 Chairman Voytilla requested clarification of the procedure for the stream,  
30 specifically the equipment and standards to be utilized.  
31

32 Mr. Gates advised Chairman Voytilla that an RFP process allows the applicant to  
33 select contractors based on methodologies, rather than the lowest bid, adding that  
34 they prefer to leave these decisions up to the consultant.  
35

36 Chairman Voytilla questioned the access to the corridor on the north.  
37

38 Mr. Gates mentioned that because of access issues, this area is where the majority  
39 of the trees would be removed, emphasizing that the goal is enhancement and  
40 remediation, rather than the destruction of these resources.  
41

42 Commissioner Bliss discussed his concern with the potential for erosion.  
43

44 Referring to Ms. McGwin's letter expressing concern with access to the east, Mr.  
45 Gates stated that the site is not designed structurally with the ability to operate on  
46 that surface condition.

1 10:23 p.m. to 10:29 p.m. – break.  
2

3 **PUBLIC TESTIMONY:**  
4

5 **KENT BAUGHMAN** expressed his concern with water issues related to the  
6 proposal, adding that he is still getting a lot of water on his property. Observing  
7 that he is the Resident Manager of an apartment complex, he mentioned that the  
8 water is coming underneath buildings and being pumped back out into the  
9 wetlands. He discussed the potential for flood problems in the event of a storm,  
10 noting that while he is aware that this water is supposed to go into the wetlands, it  
11 is traveling through the apartment property.  
12

13 **SHANNON HART** mentioned that she is generally supportive of this project,  
14 adding that although she had thought most of the environmental concerns had  
15 been addressed, she now shares Commissioner Bliss's concern with hydraulics.  
16 Observing that she presently enjoys the view of the open marsh and meadow, she  
17 stated that she would like to retain this visual and scenic diversity of community.  
18 She discussed her concern with a proposed grove of Pacific Willow trees, adding  
19 that she would like to continue to work with applicant to maintain the existing  
20 view.  
21

22 **APPLICANT REBUTTAL:**  
23

24 Mr. Gates requested that the Public Hearing on both applications be continued.  
25

26 Ms. Dorman indicated that the applicant would like the opportunity to provide  
27 further information.  
28

29 Chairman Voytilla questioned whether staff has the necessary form available for  
30 the applicant to sign waiving the 120-day rule.  
31

32 Mr. Ryerson advised Chairman Voytilla that he does not have this form available  
33 at this time, adding that due to the recent fire, these forms have been temporarily  
34 misplaced.  
35

36 Chairman Voytilla requested that the Assistant City Attorney provide a temporary  
37 form for the applicant to waive the 120-day rule.  
38

39 Mr. Naemura advised Chairman Voytilla that the applicant's request for a  
40 continuance and to waive the 120-day rule is actually on record at this time.  
41

42 Chairman Voytilla informed the applicant that it would be necessary for them to  
43 address specific criteria and issues at the continued Public Hearing.  
44

45 On question, Ms. Dorman indicated that the applicant would need several weeks  
46 to prepare and submit the additional materials.

1 Mr. Ryerson noted that staff would require several weeks to review the additional  
2 materials submitted by the applicant.

3  
4 Chairman Voytilla mentioned that the Planning Commissioners would also need a  
5 week to review the materials, observing that it would be necessary to continue the  
6 Public Hearing for a minimum of five weeks.

7  
8 Mr. Ryerson suggested that the Public Hearing be continued to August 8, 2001.

9  
10 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion  
11 that CUP 2001-0011 – Oregon Episcopal School Marsh Enhancement Conditional  
12 Use Permit be continued to a date certain of August 8, 2001.

13  
14 Motion **CARRIED**, unanimously.

15  
16 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion  
17 that TPP 2001-0002 – Oregon Episcopal School Marsh Enhancement Tree  
18 Preservation Plan be continued to a date certain of August 8, 2001.

19  
20 Motion **CARRIED**, unanimously.

21  
22 **APPROVAL OF MINUTES:**

23  
24 Minutes of the meeting of May 30, 2001, submitted. As the only member of the  
25 Planning Commission in attendance at this particular meeting, Chairman Voytilla  
26 approved the minutes as written and distributed

27  
28 **MISCELLANEOUS BUSINESS:**

29  
30 The meeting adjourned at 10:54 p.m.